

Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK  
Governor

RICHARD K. SULLIVAN JR.  
Secretary

KENNETH L. KIMMELL  
Commissioner

March 11, 2014  
Re: Former Commercial  
Disposal Company  
115 Wayside Ave.  
West Springfield, MA

Mr. Joe Ferraro  
150 Capitol Ave  
West Springfield, MA 01089.

Dear Mr. Ferraro:

Your property, the former "Commercial Disposal Company", has been added to the U.S. Environmental Protection Agency's (EPA's) "2020" list of Resource Conservation and Recovery Act (RCRA) Corrective Action Sites. The 2020 initiative sets national remediation goals for the RCRA Corrective Action program and facilities that are subject to Corrective Action requirements. Your facility is subject to EPA's RCRA Corrective Action requirements as a result of a previous submission of a Part A RCRA permit application to the EPA by you or a previous facility owner in the 1980's. The Part A RCRA Permit indicates that a portion of the property was used for the storage of hazardous waste in tanks and drums. Your facility has been added to the 2020 list as EPA and the MassDEP work to prioritize the backlog of facilities subject to clean-up under RCRA Corrective Action.

Your inclusion on the EPA/RCRA "2020" list means that you have obligations under EPA/RCRA in addition to your obligations under M.G.L. chapter 21E and the Massachusetts Contingency Plan (MCP) to assess and (if necessary) remediate your site. MassDEP is closely coordinating with the EPA so that the response actions taken under the MCP can substantially contribute to meeting the federal RCRA obligations as well. The RCRA Program requires that your facility complete a *full* facility assessment, including an evaluation of any potential releases on undeveloped land or portions of the property not necessarily associated with identified 21E releases or RCRA waste storage locations. RCRA also requires that you post public notices about remediation decisions at certain milestones and respond to any comments that come in during a 30-day public comment period.

EPA anticipates that you should be able to complete the four RCRA Corrective Action milestones described below by September 30, 2020 or earlier. MassDEP believes that by integrating the RCRA requirements into the work you are already conducting under the MCP, your work can be completed well before the EPA's deadline.

#### EPA/RCRA Milestones

There are four main EPA milestones that must be met to demonstrate progress toward closure under RCRA. For 21E sites proceeding with assessment and closure under 21E and the MCP, there are several opportunities to also meet all or a portion of the RCRA Corrective Action milestones provided the assessments are facility-wide and the Public Notice and comment requirements are met.

The four main EPA/RCRA milestones are:

- Verification that human health impacts have been eliminated or are under control;
- Verification that contaminant migration via groundwater is under control;
- Remedy selection; and
- (Remedy) construction completion.

The above milestones may correlate with work conducted under the MCP in a variety of ways and at different points in the progress through the MCP as indicated below, provided the full-facility and public notice requirements are included.

Verification that Human Health impacts have been eliminated or are under control: Since BWSC's 21E and the MCP have a variety of notification conditions (e.g., 2- and 72- Hour notifications at sites where there may be Imminent Hazards or potential Imminent Hazards as defined by the MCP, 120-Day notifications for soil contamination), there may also be more than one opportunity to meet the EPA/RCRA "human health" milestone through confirmation that human health risks have been eliminated or controlled. For example, once the human health "Imminent Hazard" condition is eliminated or controlled with an Immediate Response Action (IRA) and the IRA is complete. Or, the elimination of the human health risk may be confirmed following a Method 1 Risk Assessment in a Phase I or during a Phase II Comprehensive Site Assessment and Method 1, 2 or 3 Risk Characterization when a finding of No Significant Risk to human health is determined. There is a simple checklist that can be used to demonstrate that this milestone has been achieved.

Verification that contaminant migration via groundwater is controlled: There are a number of points during the 21E/MCP assessment where contaminant migration in groundwater may be shown to be eliminated or controlled. Depending on the original reason for the 21E notification, and on the housekeeping practices pertinent to the RCRA classification, determination of the nature and extent of any groundwater contamination may show limited groundwater impacts once the sources are removed. Multiple rounds of groundwater sampling during Phase I and II Assessments may be used to demonstrate that a plume is stable and not migrating. Such assessment would have to include a determination of the nature and extent of the plume, evaluation whether separate phase product exists or whether contaminated groundwater is

migrating at or from the site. In some cases, however, this evaluation may not happen until after remedial systems are installed to control contaminated groundwater flows. There is a simple checklist that can be used to demonstrate that this milestone has been achieved.

Remedy Selection: The MCP Phase III Remedy Implementation Plan submission qualifies as "remedy selection" under 21E and the MCP and also under RCRA. However, in accordance with RCRA, this remedy selection has to be a "facility-wide" remedy, not a discrete release area. (Work to address multiple releases across a facility may provide a cumulative result that is "facility wide".) RCRA also requires that a public notice be posted and a thirty-day public comment period be held for the proposed remedy selection. In order to confirm that there are no areas beyond the 21E release areas that require remediation, appropriate assessments and site history must be provided. Following the public comment and response period, the facility may proceed with the implementation or "construction" of the remedy, or documenting Monitored Natural Attenuation or no further action if applicable.

Remedy Construction Complete: Under 21E/MCP, "construction complete" generally coincides with completion of the Phase IV Remedy Installation. The *cleanup* may not necessarily be complete (e.g., the remedy is the installation and long-term operation of a groundwater treatment system but the cleanup may take many years), but the means to achieve the cleanup is in place, hence, "Construction Complete." This may also refer to site closure with soil contamination remaining in place under a cap or an engineered barrier, with a Notice of Activity and Use Limitation.

In general, as long as human health risks are eliminated or controlled, the treatment system is installed and working properly, groundwater is not migrating, and the full facility is addressed, facilities can meet the major EPA/RCRA milestones along with the 21E/MCP milestones.

The very last step before RCRA Corrective Action work is considered complete, is an audit of the site assessment and remedy conducted by MassDEP or through EPA RCRA staff oversight.

#### Current 21E/MCP Status

According to our database, your property has had multiple release notifications under the MCP. The most recent being RTN# 1-0013697. Our records indicate that the site has achieved a Class A2 Response Action Outcome for these releases. Depending on where your facility is in the 21E assessment, cleanup and closure process, you may:

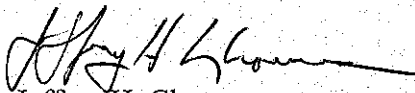
- Continue to comply with response actions in accordance with M.G.L. c. 21E and 310 CMR 40.0000, expanding assessment as needed to address the needs of a full-facility assessment;
- Provide an opportunity for the public to comment on the remedy selected during the Phase III portion of the MCP process, or, if Phase III has already been completed, work with MassDEP and/or EPA to provide this public notice and comment opportunity;
- If applicable, and the site is already at closure (Response Action Outcome, or RAO) or in Phase V Remedy Operation Status with an active remediation system in place or conducting Monitored Natural Attenuation, provide for a public notice of remedy

implementation complete and continue to comply with financial responsibility requirements in accordance with 310 CMR 30.900; and,

- Pay all applicable fees.

In order for a site that is subject to 21E and RCRA Corrective Action regulations to meet DEP and EPA obligations, it must meet the requirements of both programs. If you have any questions about your facility, or about these programs, or the specific expectations for your site, please contact me, Jeffrey Chormann, at the MassDEP, Bureau of Waste Site Cleanup Program ([Jeffrey.Chormann@state.ma.us](mailto:Jeffrey.Chormann@state.ma.us), 617.292.5888).

Sincerely,



Jeffrey H. Chormann  
RCRA Program Coordinator,  
MassDEP/BWSC

Ecc: MassDEP/BWSC – WERO Springfield, MA  
US EPA Region I – Boston, MA